

STATE OF WISCONSIN
Assembly Journal
Eighty-Ninth Regular Session

TUESDAY, December 12, 1989

The chief clerk makes the following entries under the above date:

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 246** offered by committee on Criminal Justice and Public Safety.

Assembly amendment 1 to **Assembly Bill 254** offered by committee on Criminal Justice and Public Safety.

Assembly amendment 2 to **Assembly Bill 296** offered by Representatives Swoboda, Larson, Musser, Lorge, Boyle, Harsdorf and Zien.

Assembly substitute amendment 1 to **Assembly Bill 360** offered by committee on Judiciary.

Assembly substitute amendment 1 to **Assembly Bill 534** offered by Representative Grob Schmidt.

Assembly amendment 1 to **Assembly Bill 604** offered by committee on Judiciary.

Assembly amendment 2 to **Assembly Bill 604** offered by committee on Judiciary.

Assembly amendment 3 to **Assembly Bill 604** offered by committee on Judiciary.

Assembly substitute amendment 1 to **Assembly Bill 610** offered by Representative Bell.

Assembly amendment 1 to **Assembly Bill 635** offered by Representative Swoboda.

ADMINISTRATIVE RULES

Read and referred:

Assembly Clearinghouse Rule 89-74

Relating to point values for speeding violations, reducing a driver's point totals and suspensions and revocations based on accumulated points in a given period.

Submitted by Department of Transportation.

To committee on Transportation.

Referred on December 12, 1989.

Assembly Clearinghouse Rule 89-113

Relating to fees and examination requirements for real estate licensees whose status is expired or who have been inactive.

Submitted by Department of Regulation and Licensing.

To committee on Housing, Securities and Corporate Policy.

Referred on December 12, 1989.

Assembly Clearinghouse Rule 89-153

Relating to the grants to schools for preschool through grade 5 programs.

Submitted by Department of Public Instruction.

To committee on Urban Education.

Referred on December 12, 1989.

Assembly Clearinghouse Rule 89-166

Relating to the transportation facilities economic assistance and development program.

Submitted by Department of Transportation.

To Joint Committee on Finance.

Referred on December 12, 1989.

Assembly Clearinghouse Rule 89-168

Relating to the limits of liability for insurance coverage available to podiatrists through the Wisconsin health care liability insurance plan.

Submitted by Office of the Commissioner of Insurance.

To committee on Financial Institutions and Insurance.

Referred on December 12, 1989.

INTRODUCTION AND REFERENCE
OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 104

Relating to requesting several state agencies and the university of Wisconsin system to implement the recommendations of the Wisconsin Aquaculture plan.

By Representatives Turba, Holperin, Gronemus, Brandemuehl, Roberts, Panzer, Ott, Vergeront, Tregoning, Ladwig, Schmidt, Barca, Porter, Bolle, Boyle, Zeuske, Lorge, Radtke, Lahn, Stower, Lautenschlager, Zien, Van Gorden, Klusman and Ourada, cosponsored by Senators Cowles, Kreul, Lecaen, Buettner and Lorman.

To committee on Agriculture.

Assembly Bill 738

Relating to allowing municipalities the option of imposing property taxes on state property and making an appropriation.

By Representatives Lorge, Wineke, Bolle, Porter, Larson, Musser, Urban, Lehman, Zeuske, Van Gorden,

Ladwig and Johnsrud, cosponsored by Senators Kreul and Rude.

To committee on Ways and Means.

Assembly Bill 739

Relating to the civil liability of a physician reporting the physical and mental condition of a person to a pilot licensing or air safety agency.

By Representatives Lorge, Thompson, Huelsman, Schmidt, Radtke, Ott, Urban, Turba and Zeuske, cosponsored by Senator Cowles.

To committee on Financial Institutions and Insurance.

Assembly Bill 740

Relating to the sale of alcohol beverages at gasoline stations and providing a penalty.

By Representatives Wineke, Baldus, Huber, Boyle, Hamilton, Bock, Porter, Radtke, Goetsch, Schultz, Lehman, Fortis, Schneiders, Hasenohrl, Lepak, Brandemuehl, Van Dreel, Gard, Vanderperren, Brancel, Lahn and Zien, cosponsored by Senators Plewa, Burke, Lasee and Weeden.

To committee on Excise and Fees.

Assembly Bill 741

Relating to exempting contributions of real estate to units of government from the real estate transfer fee.

By Representatives Lepak and Ladwig.

To committee on Urban and Local Affairs.

Assembly Bill 742

Relating to absentee voting in certain retirement homes.

By Representatives Radtke, Carpenter, Tregoning, Hamilton, Hasenohrl, Rosenzweig, Huelsman, Porter, Ladwig, Turba, Van Gorden, Schmidt, Duff, Urban, Lehman, Zien, Brandemuehl and Lorge, cosponsored by Senators Buettner and Stitt.

To committee on Elections and Constitutional Law.

Assembly Bill 743

Relating to various changes in the campaign finance law, designations by individuals to the Wisconsin election campaign fund and income and franchise tax deductions for contributions to the Wisconsin election campaign fund.

By Representatives Zweck and Roberts, cosponsored by Senators Adelman, Stitt and Czarnecki.

To Joint Survey Committee on Tax Exemptions.

Assembly Bill 744

Relating to creating a health care providers loan forgiveness program.

By Representatives Johnsrud, Zweck, Lorge, Medinger, Lehman, Ott, Panzer, Radtke, Schmidt, Barca, Urban, Fortis, Musser, Lautenschlager, Zien, Moore, Bock, Van Gorden, Robson, Klusman, Hamilton, Brancel, Boyle and Lahn, cosponsored by Senator Rude.

To committee on Colleges and Universities.

Assembly Bill 745

Relating to appearances before or negotiation with state agencies or the legislature by former state public officials.

By Representatives Johnsrud, Radtke, Zweck, Duff, Bock, Brancel, Welch, Huelsman and Lahn, cosponsored by Senators Leean, Rude, Cowles and Lorman.

To committee on State Affairs.

Assembly Bill 746

Relating to landowners qualifying for special deer hunting permits and granting rule-making authority.

By Representatives C. Potter and Turba, cosponsored by Senator Te Winkle.

To committee on Tourism, Recreation and Government Operations.

Assembly Bill 747

Relating to registration of certificates of discharge from the armed services.

By Representatives Hubler, Bolle, Musser, Holperin, Thompson, Zien, Stower, Hasenohrl, Notestein, Hamilton, Boyle, Tregoning and Radtke, cosponsored by Senators Jauch, Roshell, Leean and Lorman.

To committee on Veterans and Military Affairs.

COMMITTEE REPORTS

The Joint Survey Committee on Tax Exemptions reports and recommends:

Assembly Bill 178

Relating to a sales and use tax exemption for machines and equipment used to produce certain computer software.

Adoption of report: Ayes: (7) Noes: (2)

To committee on Ways and Means.

Assembly Bill 671

Relating to creating a new category in the standard income tax deduction for heads of households.

Adoption of report: Ayes: (8) Noes: (0)

To Joint Committee on Finance.

AL BALDUS

Assembly Chairperson

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

To the Honorable, the Assembly:

The following bills, originating in the assembly, have been approved, signed and deposited in the office of the Secretary of State:

JOURNAL OF THE ASSEMBLY [December 12, 1989]

Assembly Bill	Act No.	Date Signed
191	81	December 5, 1989
262	82	December 5, 1989
270	85	December 5, 1989
272	86	December 5, 1989
363	87	December 5, 1989
389	88	December 5, 1989
403	89	December 5, 1989
78	93	December 6, 1989
128	94	December 6, 1989
202	95	December 6, 1989
310	101	December 7, 1989
429 (partial veto)	102	December 7, 1989
524	103	December 7, 1989
564	104	December 7, 1989
605	105	December 7, 1989
295	108	December 7, 1989
321	109	December 7, 1989
463	110	December 7, 1989
562 (partial veto)	111	December 8, 1989
566	112	December 7, 1989
146 (partial veto)	114	December 8, 1989
353 (partial veto)	115	December 8, 1989
525	116	December 8, 1989
628	117	December 8, 1989

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

December 8, 1989

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 10** in its entirety. This bill creates a public information program to increase awareness of the Wisconsin Election Campaign Fund and to stimulate public funds made available for campaign financing. Balances available in the campaign fund, which receives its revenues from the general fund based on tax return check-offs, have declined steadily since 1979. This bill would allow the Elections Board to set aside for promotion up to 3% of the amount transferred to the campaign fund each year.

I am vetoing this bill because the concerns I raised last session when I vetoed a similar bill (1987 AB 621) have not been addressed:

It is not clear that publicity alone, particularly at the level which the funds available would provide for that purpose, would effectively address the problem of low taxpayer check-offs. The check-off diverts general revenues; thus the test of the program's effectiveness would be at the expense of the general fund.

The bill will result in higher administrative costs for state agencies.

The transfer would, at least initially, reduce the funds available for grants to candidates. I am still not

convinced of the wisdom of spending already limited campaign funds on a program that will have a questionable impact on the long-term viability of public financing of election campaigns.

For these reasons, I am vetoing Assembly Bill 10.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

December 8, 1989

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 44** in its entirety. The bill extends the basic provision of the Municipal Employment Relations Act to law enforcement supervisors in Milwaukee County. Under AB 44, Milwaukee County Sheriff supervisors would be given the right to bargain collectively; these supervisors would also be given the right to join the same labor union, but not the same bargaining unit, as their subordinates.

I am vetoing this bill because it would further undermine the important distinction between management and rank and file. The bill would also provide selective treatment for a single supervisory unit employed by the County, while all other supervisory employees of the County would continue to be excluded from the Municipal Employment Relations Act. I believe the distinction between management and rank and file should remain clear and distinct.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

December 8, 1989

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 79**, which provides that if a statute of limitations is tolled (postponed) and the time remaining after final disposition of the case is less than 30 days, then the statute of limitations is extended to 90 days from the date of final disposition.

I am vetoing this bill because there has been no demonstration of hardship arising under current law. The timely disposition of actions pending in courts is very important. Extending the time period from 30 days to 90 days discourages prompt resolution of these actions, and may encourage additional unwarranted litigation.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

December 8, 1989

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 146** as 1989 Wisconsin Act 114, and have deposited it in the Office of the Secretary of State. I have exercised the partial veto to modify or remove several sections of the bill.

Section 117.05(1) prescribes the composition of 3-member appeal panels. I am vetoing this provision to require that one member be selected from a school district with a small enrollment, one from a school district with a medium enrollment and one from a school district with a large enrollment. This will prevent the appointment of appeal panels that do not include any members from school districts of similar size to the districts involved in the appeal.

Sections 117.05(9), 117.08(2), 117.08(3), 117.08(4), 117.15(7) and 117.22(1) establish procedures for the consolidation of school districts. I am concerned that the current wording only allows electors to petition for an advisory referendum on consolidation decisions, even though it provides binding referendum authority in the case of the attachment or detachment of a large territory (territory which exceeds 7% of the equalized value of the school district). Since school district consolidation is a more significant action than the attachment or detachment of territory, I am vetoing several provisions in these subsections to strike the word "advisory." Although review consolidations by the school district boundary appeal board is preserved, it is my intent that decisions by the electorate in these matters be respected by the board to the greatest possible extent. Further, I would welcome future legislation that clarifies the role of referenda and the role of the board with respect to consolidation appeals.

Sections 117.11(3) and 117.11(4) establish referendum requirements for the attachment or detachment of large territory between school districts. As currently worded, however, these two subsections conflict over the authority of electors to petition for a binding referendum if both school boards approve the attachment or detachment of large territory. I am vetoing a provision in subsection 117.11(4) to clarify that electors can petition for a binding referendum when school boards either approve or deny the attachment or detachment.

Section 117.12(5) establishes criteria for the school district boundary appeals board to review the attachment or detachment of small territory between school districts initiated by either property owners or electors who reside in the affected area. This section provides for the review of appeals by the school district boundary appeals board rather than an appeals panel if the total territory detached over the previous 5 years, as affected by the appeal under review, includes 20% of either the equalized value or enrollment of the school

district from which the territory is being detached. I am concerned that this provision will allow a school district to be dissolved over time without adequate review. Therefore, I am vetoing this provision to reduce to 2% the cumulative amount of property value or enrollment which triggers full board review.

Section 117.25(2)(b) requires that employees laid off as a result of a detachment have first priority for new positions created in school district to which the territory is attached. I am vetoing this section because it does not limit the time period during which first priority consideration must be given. While employee rights should be protected during a school district reorganization, there must be a limit to the time a school district is obligated to give first priority to an employee laid off as a result of a reorganization.

The initial applicability provisions of this bill, as they relate to employee rights when an attachment or detachment occurs, indicate that the bill applies to reorganizations initiated before the effective date of the bill if they do not take effect until after the effective date. I am vetoing this section to be consistent with my veto of s. 117.25(2)(b).

With these modifications, we have provided school districts with a much more efficient and fair process for undertaking reorganizations.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

December 8, 1989

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 353** as 1989 Wisconsin Act 115, and deposited it in the Office of the Secretary of State. This bill clarifies and strengthens Wisconsin's existing hazardous materials planning program, known as SARA, and it closes a loophole that has allowed some facilities to avoid their responsibilities to fund the program as it was intended when the program was implemented in 1988. The bill also provides, through a loan from the State's General Fund, payment of approved county emergency planning grants that were not paid in prior years.

I have exercised the partial veto power in two instances:

Section 15. This section requires that the State Emergency Response Board (SERB) establish facility planning and inventory fees at levels designed to fully fund the board's administrative expenses and the approved county planning grants, and to repay the General Fund loan.

I am striking the word "fully". It is desirable that the SARA program be self-funding from program revenues and that counties be reimbursed for 100% of their

approved expenditures. However, without the partial veto, this section might force the SERB at some point to establish fees at unreasonably high levels. It is important that the SERB retain the ability to manage the program by establishing an appropriate and reasonable fee structure.

Section 21. This section relates to minimum daily forfeitures. Specifically, this section:

- * establishes a minimum daily forfeiture of \$1,000 for a first offense of failure to report the release of a hazardous substance,
- * establishes a minimum daily forfeiture of \$2,000 for second and subsequent offenses, and
- * establishes a minimum daily forfeiture of \$1,000 for knowingly and willfully releasing protected trade secrets.

I have reduced the minimum daily forfeitures in these instances to \$100, \$200, and \$100, respectively.

The minimum forfeitures specified in AB 353 may be unreasonably harsh in some instances, particularly those involving small businesses or family farms. Although the SERB's compliance procedures provide opportunities for an offending facility to correct a violation before any forfeiture is imposed, fear of the higher minimum fines could discourage facility operators not in compliance from ever coming forward. The partial veto will allow the courts to consider all circumstances surrounding violations and impose forfeitures at appropriate levels.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

December 8, 1989

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 406** in its entirety. This bill gives municipalities the power to construct buildings on sites purchased for industrial development.

There is certainly merit to the concept of local governments facilitating industrial development. This is most appropriately done through providing municipal services, public improvements and industrial land.

However, I am concerned about the potential costs that ultimately would be borne by local taxpayers due to both initial and continuing costs of constructing and maintaining buildings that may be vacant for long periods of time. Speculative construction is risky. Given that the risks would fall on the taxpayers, I believe tighter restrictions governing these undertakings are appropriate.

The bill provides that no construction could take place until the Department of Development issued an advisory

opinion on whether the proposed construction is good public policy. However, the opinion is not binding. Thus, even if the Department issued an adverse opinion, construction could nevertheless occur. The review process needs to be strengthened so that construction could not occur without some assurances that a firm will occupy the structure.

Although the bill provides a sunset date of approximately four years, a local hearing and a DOD study of the impacts of the provision more safeguards are necessary. For the increased benefit of all parties (business, municipalities, and the taxpayer), there must be greater certainty that construction of a structure will lead to business occupancy.

I am also instructing the Secretary of the Department of Development to study this concept and make recommendations.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

December 7, 1989

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 429** as 1989 Act 102 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto to remove or modify several provisions of the bill.

AB 429, relating to Emergency Medical Services (EMS), appropriates \$1.1 million GPR and \$1.1 million SEG from the Transportation Fund in FY91 to the Department of Health and Social Services (DHSS) to provide grants to local ambulance service providers and to trainers of Emergency Medical Technicians (EMTs). The bill creates an Emergency Medical Services Assistance Board to advise DHSS on the grant program and budget. The bill also revises the current system of classifications for EMTs.

I have signed this bill into law because I believe that ensuring the public health and safety is an important part of governmental responsibility. While ambulance services may in some cases be made available by private providers, it is a public responsibility to ensure that all the citizens of our state have access to such services and that such services be provided by trained and competent personnel. The provision of state grants to ambulance services recognizes the state's responsibility and commitment to these worthy goals.

AB 429 also provides 3.0 FTE GPR positions and \$134,600 GPR for grant program administration, EMS regulation and technical assistance. I have vetoed section 66 of the bill to eliminate these positions and their associated funding, as I believe the current DHSS

resources are adequate to administer the additional responsibilities required by this bill.

AB 429 creates an 18-month member EMS Assistance Board comprised of four legislators, a physician and a nurse specializing in emergency services, and representatives of EMS providers, EMTs, and EMT trainers from four geographical regions of the state. I believe that the board is too large and unwieldy. I have therefore vetoed sections 3 and 65 (1) in part to reduce the size of the board.

AB 429 also requires that DHSS and the Vocational, Technical and Adult Education Board submit rules to the Legislative Council by January 1, 1990 to specify training and examination requirements for EMT license renewals and to establish a system and qualifications for issuance and duration of EMT training permits. As the bill is being enacted in December, these deadlines for rule-making are unreasonable. I am therefore vetoing section 65 (3) in part to eliminate these inappropriate deadlines.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

December 8, 1989

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 562** as 1989 Wisconsin Act 111, and have deposited it in the Office of the Secretary of State. I have exercised the partial veto to modify section 1.

As enrolled, AB 562 directs the Department of Health and Social Services (DHSS) to allocate \$226,300 GPR to Dane County and \$65,200 GPR to Oneida County to administer the Child Support Supplement Program (CSSP). The bill transfers \$65,200 GPR from the Department of Health and Social Services operations to county income maintenance administration.

All of my welfare reform initiatives have worked to reduce welfare dependency. Since I took office in 1987 the Aid to Families with Dependent Children (AFDC) caseload has been reduced from 98,700 cases down to 79,500 cases, a reduction of about 19.5%. However the CSSP program will do the opposite. In 1987 the Institute for Research on Poverty, which designed the CSSP program, estimated that if the CSSP was implemented statewide it would increase the pool of eligible cases by almost 34,000, a 40% increase in the potential entitlement caseload.

I agreed, as part of the 1987 Welfare Reform Commission recommendations, to implement this program on a pilot basis. It should be noted that although the program was enacted in 1985 to take

effective in October, 1986, the previous administration never followed through by requesting a federal waiver to implement the program. My administration has obtained the needed waiver, which states that the program is to be conducted in a cost-neutral manner.

I am vetoing part of AB 562 because the request for additional funding is in violation of an agreement reached in the Welfare Reform Commission in 1987 to provide \$93,200 for county administration of the CSSP. This amount was included in the 1987-89 biennial budget as an annual appropriation for county administration costs with the expectation that any additional county costs would be funded from the federal block grant. I have agreed to go beyond the Welfare Reform Commission agreement, but I do not accept the significantly increased level of funding required by AB 562.

The level of funding requested is excessive for the needs of the program. Partially vetoing the bill allows for implementation of the program in a more cost effective manner. The Dane County CSSP proposed budget creates seventeen staff positions, only four of which would work directly in the assured benefit program. Dane County has requested ten positions for the county child support enforcement agency and three positions for the county clerk of courts. Most of these positions would be performing regular child support enforcement functions to increase collections and to clean up Dane County's current backlog of cases. These functions are not directly related to the CSSP and should not be funded out of the CSSP budget. By comparison, the Oneida County CSSP proposed budget includes three positions all working primarily in the assured benefit program.

I am partially vetoing section 1 to eliminate the allocation of \$226,300 for the Dane County pilot. My veto retains the \$65,200 of funding for Oneida County.

The full budgeted base amount of \$93,200 also remains available for county CSSP administration in the first year for start up, either in Dane County or in another of the fifteen large counties, pursuant to the federal waiver authorizing the program. These counties include: Brown, Dane, Eau Claire, Fond du Lac, Kenosha, La Crosse, Manitowoc, Marathon, Outagamie, Racine, Rock, Sheboygan, Washington, Waukesha, and Winnebago. Beyond the first year of start up the \$93,200 will be available for both pilot counties to cover administrative costs. I encourage DHSS to negotiate under the above spending guidelines for the implementation of this pilot with one of the specified counties.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

JOURNAL OF THE ASSEMBLY [December 12, 1989]

COMMUNICATIONS

State of Wisconsin
Department of State
Madison

To Whom It May Concern:

Acts, joint resolutions and resolutions, deposited in this office, have been numbered and published as follows:

Bill or Res. No.	Act No.	Publication date
Assembly Bill 673-----	66	-----December 8, 1989
Assembly Bill 11-----	67	-----December 11, 1989
Assembly Bill 616-----	68	-----December 11, 1989
Assembly Bill 88-----	69	-----December 11, 1989

Assembly Bill 297-----	70	-----December 11, 1989
Assembly Bill 355-----	71	-----December 11, 1989
Assembly Bill 356-----	72	-----December 11, 1989
Assembly Bill 359-----	73	-----December 11, 1989
Assembly Bill 416-----	74	-----December 11, 1989

Sincerely,
DOUGLAS La FOLLETTE
Secretary of State

REFERENCE BUREAU CORRECTIONS

Assembly Bill 385

Page 7, line 1: substitute "20.455" for "20 455".